
HOUSE BILL No. 1266

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-41-37.

Synopsis: Nonsmoking break rooms for employees. Provides that if an enclosed employee lounge or break room is provided or made available to employees by an employer, it must be designated and posted as a nonsmoking area. Provides that if more than one enclosed employee lounge or break room is provided for employees by an employer, there must be at least the same number of enclosed nonsmoking employee lounges or break rooms as those in which smoking is permitted. Provides that a person who smokes in an enclosed employee lounge or break room that is posted and designated as a nonsmoking area commits a Class B infraction, and enhances the penalty to a Class A infraction in some circumstances. Provides that an employer who fails to furnish nonsmoking areas in the manner prescribed commits a Class A infraction.

Effective: July 1, 2001.

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January 9, 2001, read first time and referred to Committee on Labor and Employment.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1266

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-41-37-1.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. As used in this chapter,**
4 **"employer" has the meaning set forth in IC 22-3-7-9.**

5 SECTION 2. IC 16-41-37-3.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2001]: **Sec. 3.5 (a) An employer is not**
8 **required to provide or make available an enclosed employee lounge**
9 **or break room to employees. However, if an enclosed employee**
10 **lounge or break room is provided or made available, it must be**
11 **designated and posted as a nonsmoking area in the manner**
12 **provided for by section 6(c) of this chapter.**

13 **(b) If more than one (1) enclosed employee lounge or break**
14 **room is provided for employees by an employer, there must be at**
15 **least the same number of enclosed nonsmoking employee lounges**
16 **or break rooms as those in which smoking is permitted.**

17 SECTION 3. IC 16-41-37-4 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. **(a)** A person who smokes:

(1) in a public building, except in an area designated as a smoking area under section 5 of this chapter;

(2) in the retail area of a grocery store or drug store that is designated as a nonsmoking area by the store's proprietor; ~~or~~

(3) in the dining area of a restaurant that is designated and posted as the restaurant's nonsmoking area by the restaurant's proprietor;

or

(4) in an enclosed employee lounge or break room that is posted and designated as a nonsmoking area as set forth in section 6(c) of this chapter;

commits a Class B infraction. However, the violation is a Class A infraction if the person has at least three (3) previous unrelated judgments for violating this section that are accrued within the twelve (12) months immediately preceding the violation.

(b) An employer who violates section 3.5 of this chapter commits a Class A infraction.

SECTION 4. IC 16-41-37-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) The official in charge of a public building shall do the following:

(1) Post conspicuous signs that read "Smoking Is Prohibited By State Law Except In Designated Smoking Areas" or other similar language.

(2) Request persons who are smoking in violation of section 4 of this chapter to refrain from smoking.

(3) Remove a person who is smoking in violation of section 4 of this chapter and fails to refrain from smoking after being requested to do so.

(b) The proprietor of a restaurant shall, under sections 4 and 5 of this chapter, post conspicuous signs at each entrance to the restaurant, informing the public of the establishment's smoking policy.

(c) An employer shall, under sections 3.5 and 4(a)(4) of this chapter, designate and post as a nonsmoking area an enclosed employee lounge or break room if such is provided as set forth in section 3.5 of this chapter. If more than one (1) enclosed employee lounge or break room is provided for employees by an employer, each area that is provided as a nonsmoking area as set forth in section 3.5 of this chapter must be designated and posted as a nonsmoking area.

SECTION 5. IC 16-41-37-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. The state department

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- 1 may waive the requirements of section 5(b), 5(c), ~~or 6(a), or 6(b)~~ of
2 this chapter if the state department determines that:
3 (1) there are compelling reasons to do so; and
4 (2) the waiver will not significantly affect the health and comfort
5 of nonsmokers.

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